



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOMADIX, INC.,) Case No. CV 09-08441 DDP (VBKx)
)
Plaintiff,) **ORDER DENYING PLAINTIFF'S EX**
) **PARTE REQUEST TO CROSS-EXAMINE**
v.) **DECLARANT CHEN GUANGHUI**
)
HEWLETT-PACKARD COMPANY, a) [Docket No. 725]
Delaware corporation;)
WAYPORT, INC., a Delaware)
corporation; IBAHN)
CORPORATION, a Delaware)
corporation; GUEST-TEK)
INTERACTIVE ENTERTAINMENT)
LTD., a Canadian)
corporation; GUEST-TEK)
INTERACTIVE ENTERTAINMENT,)
INC.; a California)
corporation; LODGENET)
INTERACTIVE CORPORATION, a)
Delaware corporation;)
LODGENET STAYONLINE, INC., a)
Delaware corporation; ARUBA)
NETWORKS, INC.; a Delaware)
corporation; SUPERCLICK,)
INC., A Washington)
corporation; SUPERCLICK)
NETWORKS, INC., a Canadian)
corporation,)
Defendants.)

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1 Presently before the court is Plaintiff Nomadix, Inc.'s Ex
2 Parte Request to Cross-Examine Declarant Chen Guanghui Pursuant to
3 Local Rule 7-8 ("Request"). Nomadix contends that Defendant
4 Hewlett Packard Company ("HP") relies on the declaration of Chen
5 Guanghui ("Chen") in its reply brief on a pending motion for
6 summary judgment, and that Nomadix has not had any opportunity to
7 question Chen. However, as Defendant Hewlett-Packard Company
8 ("HP") explains in opposing the Request, Local Rule 7-8 is not
9 proper for a summary judgment motion, as it only applies to motions
10 "where an issue of fact is to be determined." See Coastal Delivery
11 Corp. v. U.S. Customs Serv., 272 F. Supp. 2d 958, 961 (C.D. Cal.
12 2003). Further, Federal Rule of Civil Procedure 56(d) provides a
13 method for the nonmovant to seek additional discovery in opposing
14 summary judgment. Nomadix has in fact requested such discovery in
15 its opposition here. The court therefore DENIES the Request.

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17 IT IS SO ORDERED.

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20 Dated: January 18, 2012


DEAN D. PREGERSON
United States District Judge